

Also, resolutions of New Jersey State Council, Elizabeth, N. J., St. Patrick's Alliance of America, in favor of increasing the Navy—to the Committee on Naval Affairs.

Also, resolutions of Bayonne City Lodge, and Hebrew organization of Bayonne, N. J., against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Resolutions of Energetic Lodge, No. 378, Brotherhood of Railroad Trainmen, of Allegheny, Pa., in favor of the passage of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Webster C. Weiss, grand secretary of Grand Council, Royal Arcanum, of Pennsylvania, favoring amendment to the post-office appropriation bill, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON: Resolutions of John A. Logan Post, No. 1, Soldiers' Home, Michigan; Innes Post, No. 408, of Grand Rapids, and Fitzgerald Post, No. 125, of Hastings, Mich., Grand Army of the Republic, in support of House bill 17103, permitting the payment of the value of public lands to persons entitled to make entry upon such lands in certain cases—to the Committee on the Public Lands.

By Mr. HEDGE: Resolutions of Typographical Union No. 68, of Keokuk, Iowa, for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. JENKINS: Petition of Nels Nelson and 200 other citizens of Washburn, Wis., in favor of Senate bill 909, providing for the extension of the free mail delivery service—to the Committee on the Post-Office and Post-Roads.

By Mr. KEHOE: Resolutions of Monon Division, No. 89, Order of Railway Conductors, of Louisville, Ky., in favor of the passage of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KERN: Resolutions of Cigar Makers' Union No. 250, of Belleville, Ill., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

By Mr. LATIMER (by request): Petition of Moses Winstock, of South Carolina, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. OVERSTREET: Petition of Frank Fultz and Fred Bettman and others, of the State of Indiana, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. RUPPERT: Resolutions of Akiba Eger Lodge, No. 37, Order of B'rith Abraham, of New York City, relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. THOMAS of Iowa: Petition of the Woman's Christian Temperance Union of Onawa, Iowa, in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. TOMPKINS of New York: Petition of C. W. Lockwood and other citizens of Port Jervis, N. Y., for the building of thirty battle ships at the rate of six per year for five years—to the Committee on Naval Affairs.

SENATE.

TUESDAY, February 17, 1903.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington. The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. QUAY. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. KEAN. I think the Journal had better be read, Mr. President.

The PRESIDENT pro tempore. Objection is made.

The Secretary resumed and concluded the reading of the Journal.

CREDENTIALS.

Mr. TILLMAN presented the credentials of ASBURY C. LATIMER, chosen by the legislature of the State of South Carolina a Senator from that State for the term beginning March 4, 1903; which were read, and ordered to be filed.

PORTO RICAN COFFEE.

The PRESIDENT pro tempore laid before the Senate a communication from the governor of Porto Rico, transmitting a petition to the President and Senate of the United States, praying that among such amendments as may be made to the reciprocity treaty between the United States and the Republic of Cuba, now under consideration, it shall be proposed that Porto Rican coffee be included among those products imported into the Republic of Cuba obtaining the highest rebate; which, with the accompany-

ing paper, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

BUILDING FOR DEPARTMENT OF AGRICULTURE.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Agriculture submitting an estimate of appropriation for carrying into effect the act authorizing the erection of a new building for the Department of Agriculture. The Chair calls the attention of the Senator from Iowa [Mr. ALLISON] to the communication and inquires whether it should go to the Committee on Appropriations or to the Committee on Agriculture and Forestry.

Mr. ALLISON. I think the communication ordinarily would be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The communication and accompanying papers will be referred to the Committee on Appropriations, and printed.

COURT OF PRIVATE LAND CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General inclosing a letter from the United States attorney for the Court of Private Land Claims recommending that the life of that court be extended until December 31, 1903, and submitting an estimate of appropriation for salaries, etc.

Mr. ALLISON. That matter has always been placed on the sundry civil appropriation bill.

The PRESIDENT pro tempore. The communication and accompanying papers will be referred to the Committee on Appropriations, and printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 265) to establish a light-house and fog-signal station on Burrows Island, State of Washington;

A bill (S. 1905) for the erection of a keeper's dwelling at Grosse Isle, North Channel Range, Detroit River, Michigan;

A bill (S. 4577) for the relief of William McCarty Little;

A bill (S. 6968) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona; and

A bill (S. 7288) extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 13605) for the relief of George A. Detchemendy;

A bill (H. R. 14384) to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, in the State of Ohio;

A bill (H. R. 15985) to confirm certain forest lieu selections made under the act approved June 4, 1897;

A bill (H. R. 16069) authorizing the Secretary of the Interior to sell certain lands therein mentioned;

A bill (H. R. 16138) granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.;

A bill (H. R. 16946) to amend an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900;

A bill (H. R. 17052) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Gunter'sville, in Marshall County, Ala.;

A bill (H. R. 17085) to effectuate the provisions of the additional act of the international convention for the protection of industrial property;

A bill (H. R. 17204) to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas; and

A bill (H. R. 17243) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 7053) to regulate commerce with foreign nations and among the States; and it was thereupon signed by the President pro tempore.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE OTEY.

Mr. DANIEL. Mr. President, I desire to give notice that on Saturday afternoon, February 28, I shall ask the Senate to consider resolutions in commemoration of the life, character, and public services of the late Hon. PETER J. OTEY, formerly a Representative of the Sixth district of Virginia.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented petitions of Local Union No. 311, of Los Angeles; of Carpenters and Joiners' Local Union No. 235, of Riverside, and of Local Union No. 59, of San Francisco, all of the American Federation of Labor, in the State of California; and of Carpenters and Joiners' Local Union No. 745, American Federation of Labor, of Honolulu, Hawaiian Territory, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. DRYDEN presented a petition of the Philo Hay Specialties Company, of Newark, N. J., praying for the passage of the so-called post-check currency bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Board of Agriculture, of Trenton, N. J., praying for the passage of the so-called pure-food bill; which was ordered to lie on the table.

He also presented a petition of the Society for the Prevention of Cruelty to Children, of Newark, N. J., praying for the enactment of legislation providing for the establishment of a board for the protection of children and animals; which was ordered to lie on the table.

He also presented a petition of the Union County Trades Council, American Federation of Labor, of Elizabeth, N. J., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented the memorial of E. B. Voorhees, director of the New Jersey Agricultural Experiment stations, of New Brunswick, N. J., remonstrating against a reduction of the appropriation for irrigation investigations; which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of Benjamin H. Crosby, of Tuckerton; of William T. Conklin, of Montclair; of Uriah J. Allen, of New Gretna; of John Bray, of Vineland, and of the Woman's Christian Temperance Union of Gladstone, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented the petitions of J. W. Gifford, of Atlantic City; of Charles J. Quig, of Delaware, and of P. M. Van Syckle, of Delaware, all in the State of New Jersey, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented the petition of Rev. J. Henry Brittain, of Montclair, N. J., and the petition of Rev. Arthur S. Lloyd, of New York City, N. Y., praying for the enactment of legislation to recognize and promote the efficiency of chaplains in the Army; which were referred to the Committee on Military Affairs.

He also presented petitions of Cigar Makers' Local Union No. 138, of Newark; of the New Jersey State Federation of Labor, of Newark, and of Cigar Makers' Local Union No. 427, of Rahway, all of the American Federation of Labor, in the State of New Jersey, praying for the enactment of legislation to prohibit the giving of presents, coupons, or promises of gifts with cigars and tobaccos; which were referred to the Committee on Finance.

He also presented a petition of Patriotic Council, No. 80, Daughters of Liberty, of Jersey City, N. J., and a petition of Lincoln Council, No. 82, Daughters of Liberty, of Union, N. J., praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented a memorial of the Conner Millwork Company, of Trenton, N. J., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented petitions of Local Union No. 524, of Orange; of Local Union No. 241, of Montclair; of Carpenters and Joiners' Local Union No. 31, of Trenton; and of Local Union No. 68, of Newark, all of the American Federation of Labor; and of F. E. Sawyer, of Trenton, all in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a memorial of the Cigar Dealers' Association, of Chicago, Ill., remonstrating against a reduction of the duty on cigars imported from Cuba; which was referred to the Committee on Finance.

He also presented the petition of U. G. Wilkinson, of Comanche, Ind. T., praying for the enactment of legislation providing for the removal of the court from Ryan, Ind. T., to Comanche; which was referred to the Committee on the Judiciary.

Mr. KEAN presented petitions of Edward B. Vorhees, of New Brunswick, of the New Jersey State board of agriculture, of Trenton, and of P. S. Van Anglen, of New Brunswick, all in the State of New Jersey, praying for the passage of the so-called pure-food bill; which were ordered to lie on the table.

He also presented memorials of Howard J. Brown, of Vineland; of Uriah J. Allen, of New Gretna, and 7 citizens of Blairstown, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented a petition of the Union County Trades Council, American Federation of Labor, of Elizabeth, N. J., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of St. Patrick's Alliance, New Jersey State Council, of Elizabeth, N. J., praying for the enactment of legislation to increase the number of vessels in the United States Navy; which was referred to the Committee on Naval Affairs.

He also presented petitions of Pride of Aeolian Council, No. 138, Daughters of Liberty, of Elmer; of Ridgefield Park Council, No. 128, Daughters of Liberty, of Ridgefield Park, and of Patriotic Council, No. 82, Daughters of Liberty, of Jersey City, all in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Salem, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Brewers' Association of Newark, N. J., and a petition of the Christian Feigenspan Corporation of Newark, N. J., remonstrating against the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

He also presented petitions of 7 citizens of New Jersey; of W. H. Chapin, of Montclair; of W. C. Coles, of Moorestown; of G. R. Munroe, of Newark; of Dr. W. C. Stokes, of Woodbury; of Rev. George G. Vogel, of Jersey City; of Rev. Charles A. Cooke, of Bloomfield; of Rev. Hedding B. Leech, of Hackensack; of Henry Collins, of Pleasantville; of Rev. A. W. Vernon, of East Orange; of sundry citizens of Orange; of Dr. J. A. Haggart, of Pleasantville; of Rev. W. C. Snodgrass, of Bloomfield; of Joseph W. Gifford, of Atlantic City, of Dr. H. L. Gilmour, of Winonah; of G. C. Schmidt, of Atlantic Highlands; of Rev. J. B. Gallaway, of Paterson, and of David C. Johnson, of Atlantic City, all in the State of New Jersey, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the C. B. Coles & Sons Company, of Camden, N. J., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented petitions of David S. Mayhew, of Trenton; of H. Hirst, of Trenton, and of Local Union No. 241, of Montclair; of Local Union No. 188, of Paterson; of Local Union No. 68, of Newark; of Local Union No. 447, of Dover, and of Local Union No. 50, of Camden, all of the American Federation of Labor, in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. PLATT of New York presented memorials of A. T. Hagen Company, of Rochester; of the Empire Drill Company, of Shortsville; of the Employers' Association of Elmira, and of the Rome Brass and Copper Company, of Rome, all in the State of New York, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Micrometer Lodge, No. 460, International Association of Machinists, of New York City; of Power City Lodge, No. 316, International Association of Machinists, of Niagara Falls; of John W. Rennie, of Brooklyn, and of the International Wood Carvers' Association of Brooklyn, all in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Rev. G. W. Barnes, of Blodgett Mills; of J. P. Roberts, of Ithaca, and of the Snyder Bee and Honey Company, of Kingston, all in the State of New York, praying for the passage of the so-called pure-food bill; which were ordered to lie on the table.

He also presented memorials of sundry citizens of Pittsford, Yonkers, and New York City, all in the State of New York, remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of New York City, N. Y.; of Salina, Kans.; of Chicago, Ill.; of Charlevoix, Mich.; of Boulder, Colo.; of Montpelier, Vt.; of Sheldon, Iowa; of Pocatello, Idaho, and of Machias, Me., praying for the enactment of legislation to recognize and promote the efficiency of chaplains in the Navy; which were referred to the Committee on Naval Affairs.

Mr. GALLINGER presented a memorial of the Woman's Municipal League of New York City, N. Y., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. FRYE presented a petition of the Atlantic Carriers' Association, of Bath, Me., praying for the enactment of legislation providing for the construction of new revenue cutters to be stationed on the coast of Maine, in Albemarle and Pamlico sounds, Key West, Fla., etc.; which was referred to the Committee on Commerce.

INTERCONTINENTAL RAILWAY.

Mr. PLATT of Connecticut. A communication, in the nature of a petition, from Hinton Rowan Helper, praying for the appointment of a commission to examine into the feasibility of the construction of an intercontinental railway through North, Central, and South America, was, on February 10, reported from the Committee on Printing and printed as Senate Document No. 144, Fifty-seventh Congress, second session. I move that it be referred to the Committee on Railroads.

The motion was agreed to.

TOWN SITES IN INDIAN TERRITORY.

Mr. QUAY. Mr. President, I have a paper in the nature of a memorial, which I suppose may as well come in under the order of petitions.

The Senate will remember that pending the consideration of the Indian appropriation bill I offered an amendment to the town-site provision. Since then I have received the following paper, which I think had better be read and go in the RECORD, because I desire to file the paper itself with the Interior Department. It sheds light upon what is going on in the Indian Territory in this regard. The amendment scarcely seems to cover the case.

I ask the Secretary to read the communication and the Reporter to take it down, because I wish to withdraw the paper immediately afterwards and file it with the Interior Department.

Mr. ALDRICH. I did not understand the request of the Senator from Pennsylvania.

The PRESIDENT pro tempore. The Senator from Pennsylvania presents a memorial and asks that it may be read.

Mr. QUAY. It bears on the question of my amendment to the town-site provision in the Indian appropriation bill.

Mr. ALDRICH. It is a memorial from whom?

Mr. QUAY. It is from a Delaware Indian, or a citizen of the Cherokee Nation, named Bartles.

Mr. ALDRICH. Would it not answer the Senator's purpose to have it printed as a document?

Mr. QUAY. No; I think not. I should like to have it go into the RECORD so as to be used by the committee of conference on the Indian appropriation bill. We can not use the paper itself, because I wish to file it in the Interior Department.

Mr. ALDRICH. I think it is a bad precedent. I suggest that it be printed in the RECORD without reading.

Mr. QUAY. It is a matter probably of indifference, but I would rather that the Senate heard the paper.

Mr. ALDRICH. I withdraw my objection.

The PRESIDENT pro tempore. The Secretary will read the memorial.

The Secretary proceeded to read the memorial.

Mr. QUAY. The paper is longer than I had anticipated, and does not seem to be attracting much attention in the Senate. Therefore I have no objection to the rest of it going into the RECORD without reading. It need not be copied further than the signature of Mr. Bartles. The certificates of allotment and other papers attached need not go into the RECORD.

The PRESIDENT pro tempore. If there be no objection, the memorial will be printed in the RECORD. The Chair hears none.

The memorial is as follows:

UNITED STATES OF AMERICA,
Indian Territory, Western District:

I, J. H. Bartles, being first duly sworn, upon oath state: That I am a citizen of the Cherokee Nation and duly enrolled as such; that I have resided in the Cherokee Nation continuously since the year 1875. That in the month of May, 1898, I purchased the claims and improvements of the original Indian occupants of the lands embraced or proposed to be embraced in the town of Dewey, Ind. T., lying in secs. 20, 21, 23, and 29, T. 27 N., R. 13 E., and secured bills of sale of the same from George Hazelrig, Dennis Wilson and wife, Bell Wilson, J. H. Johnson and wife, Jenny Johnson, Andy Daniels, Frank Carr, and W. H. Shailer and his wife, Agnes Shailer; that the consideration for these bills of sale, actually paid in money, aggregated about \$1,500, in addition to other valuable consideration, consisting of agreements

upon my part that when I secured my allotment and got title to the land and was able to make valid conveyances of the same to them that I would give them certain lots and blocks in the town of Dewey.

That thereafter, to wit, on the 27th day of March, 1899, I made a written declaration that I had selected as an allotment for myself the E. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ of sec. 20, T. 27 N., R. 13 E., copy of which is hereto attached. My son, Joe A. Bartles, on the 27th day of March, 1899, made a written declaration that he had selected as an allotment for himself the N. $\frac{1}{4}$ of the W. $\frac{1}{4}$ of the NW. $\frac{1}{4}$ of sec. 23 and the W. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ of sec. 20, T. 27 N., R. 13 E., copies of which declarations are attached hereto.

Also, on the 27th day of March, 1899, my wife, Nannie M. Bartles, made a written declaration that she had selected as an allotment for herself the SE. $\frac{1}{4}$ of sec. 20, T. 27 N., R. 13 E., copy of which is attached hereto.

That thereafter I entered into contract with various persons whereby I allowed improvements to be erected upon various parts of the premises now proposed to be segregated as the town of Dewey, Ind. T., in which I agreed that as soon as I secured my allotment and got title to the land and could make valid conveyances I would convey to them the property called for in their several contracts, and that upon these contracts a number of persons have come to and settled in the settlement or town of Dewey, Ind. T.

That the land proposed to be segregated as a Government town site is marked and designated upon a plat, which is attached hereto and made a part of this affidavit.

That I have at all times stood ready to perform all of the stipulations and obligations contained in my said contracts with the persons whom I have granted permission to come upon said lands, and am still willing to abide by and conform to these said contracts.

That there are less than 200 inhabitants now residing in the settlement of Dewey, to wit, about 175 persons; that a majority of the residents of the said town of Dewey are still willing to abide by their agreements with me, and are not desirous of having a Government town site segregated at that place, as will appear from a petition that they have filed with the Dawes Commission for transmission to the Secretary of the Interior, protesting against the segregation of a Government town site at Dewey; that the signers of said protest embrace all of the property holders in the town of Dewey excepting two; that notwithstanding the facts above set out, I was advised about the middle of January, 1903, that application had been made by certain persons, some of whom resided within the town of Dewey and some of whom resided without the said town of Dewey, and not upon any part of the lands proposed to be segregated, petitioned the honorable Indian inspector, asking that a Government town site be segregated at Dewey, and surveyed and laid out, and disposed of under the control of the Department.

That as soon as these facts came to my knowledge, the protest, before referred to, signed by a majority of the residents of Dewey and by all of the property holders excepting two, was filed with the Dawes Commission for transmission to the honorable Secretary of the Interior; that this petition was not circulated for signatures by myself or any members of my family (except that my son, Joe A. Bartles, did procure the signatures of two persons thereto), all the other signatures thereto having been solicited and obtained by other citizens and residents of the town of Dewey.

That I have acted in entire good faith with all persons concerned; that it has been my bona fide intention for the past five years to have the allotments of myself and family taken upon the lands hereinbefore mentioned and described, and it was for this purpose that I bought the improvements and claims of the original Indian holders; that within the past four years I have, in furtherance of the contracts made with the individuals to whom I have granted permission to settle upon the lands which myself and family expected to take in our allotment, caused so much of said lands as are embraced in the limits now proposed to be segregated as the town of Dewey to be surveyed and platted, and have graded a number of the streets therein, and have myself erected permanent and substantial buildings, which aggregate in number about thirty-two and which have cost me in the aggregate the sum of \$75,000.

That I have acted upon the belief that I was entitled to take the lands upon which I purchased the original improvements as allotments for myself and family, and have expended my money on the faith of being able eventually to secure said lands as the allotments of myself and family; that practically all of the other allotable lands of the Cherokee Nation are now taken up, and it would be almost an impossibility for me to find suitable allotments elsewhere for myself and family, and that it would be an injustice to now deprive us of the right of taking these lands in allotment.

That myself and family have already filed upon the lands embraced in the original declarations of our intention attached hereto, and have endeavored to file upon the lands embraced in the plat of the town of Dewey, which is attached hereto, which lie in sections 20 and 29, but the Dawes Commission has not permitted us to make filing thereon on account of the fact that the question of whether a Government town site would be reserved at this place has not been determined, and we are still desirous of filing upon said lands in sections 20 and 29.

J. H. BARTLES.

Subscribed to and sworn to before me this 11th day of February, 1903.
MINNIE P. DUMAS, Notary Public.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 16522) granting an increase of pension to Caleb C. Van Sickell, reported it without amendment, and submitted a report thereon.

Mr. SIMON, from the Committee on Pensions, to whom was referred the bill (H. R. 16309) granting a pension to Samuel H. Montanye, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13612) granting a pension to Margaret Bell;

A bill (H. R. 9154) granting an increase of pension to Lillie V. Ball;

A bill (H. R. 15636) granting a pension to Matilda Tunison; and

A bill (H. R. 15431) granting an increase of pension to Elias Simpson.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 15013) granting an increase of pension to Charles H. Barnes, to submit an adverse report thereon and to recommend its indefinite postponement. I wish simply to state that the adverse report is based upon the

fact that a similar bill has passed both Houses at the present session.

The PRESIDENT pro tempore. The bill will be indefinitely postponed.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 11075) granting an increase of pension to Albert J. Hart, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (H. R. 7382) granting a pension to Jacob Mock, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5446) granting an increase of pension to James M. Travis; and

A bill (H. R. 5960) granting an increase of pension to Lambert Johnston.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 165) to establish market stands in the city of Washington for farmers and others selling produce of their own raising, reported it with amendments.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7367) granting a pension to Ellen D. Campbell;

A bill (H. R. 8711) granting an increase of pension to William C. Crawford; and

A bill (H. R. 15894) granting an increase of pension to Lewis P. Everett.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 3664) for the relief of A. H. Reynolds, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 4952) granting a pension to Abner D. Rutherford, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the amendment submitted by Mr. LODGE on the 16th instant, proposing to authorize the construction or extension of any wharf, pier, sea wall, or other structure, on any lands belonging to the United States which underlie the harbor areas and navigable waters and streams lying in or surrounding the island of Porto Rico and the islands lying adjacent thereto, etc., intended to be proposed to the sundry civil appropriation, reported favorable thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SPOONER, from the Committee on Finance, to whom was referred the bill (H. R. 16656) regulating the importation of breeding animals, reported it with an amendment.

REGULATION OF CORPORATIONS.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 17) requiring corporations engaged in interstate commerce to make returns, prohibiting rebates and discriminations and the use of interstate commerce in attempts to destroy competition, and for other purposes, to report it with amendments.

Mr. PLATT of Connecticut. Mr. President, I wish to say for myself that as a member of the Judiciary Committee I can not concur in the report which has just been made.

Of course this is not the time or place to give reasons for my dissent, but briefly they may be stated thus: A large proportion of the bill, that which came over from the House, I think has been more wisely and appropriately treated in legislation which has been already enacted at this session; and as to the new matter proposed by amendments, I think there are unconstitutional provisions in them, and that if they were within the constitutional authority of Congress they are mischievous and would work great injury to the business of the United States.

Mr. HOAR. Mr. President, I desire to say that the usual practice in the Senate is to state the reasons for and against such measures when they are up for consideration and debate. So my honorable friend has, out of order, stated his views now. I will not state mine yet.

Mr. PLATT of Connecticut. I do not think I was out of order for the reason that I suppose it would have been entirely in order and according to the customary practice of the Senate to have submitted my views in writing as one of the minority of the committee. Certainly if I had asked for that permission it would have been, as it always is, granted.

The PRESIDENT pro tempore. The bill will be placed upon the Calendar.

JUDSON E. WALKER.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 4115) granting a pension to Judson E. Walker, to report it favorably without amendment. This is probably the last Senate bill which will be reported during the session, and I ask unanimous consent that it may be considered. It will take but a moment.

The being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Judson E. Walker, late train master, United States Army, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY H. RUMPLE.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 17247) granting a pension to Mary H. Rumble, to report it favorably without amendment. I wish to call the attention of the senior Senator from Iowa [Mr. ALLISON] to this report.

Mr. ALLISON. I ask unanimous consent that the bill may be considered at this time.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary H. Rumble, widow of John N. W. Rumble, late captain Company H, Second Regiment Iowa Volunteer Cavalry, and to pay her a pension of \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDEX OF GOVERNMENT PUBLICATIONS.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; and it was considered by unanimous consent, and agreed to:

Resolved, That the Public Printer be, and he is hereby, authorized and directed to print from stereotype plates and to bind 150 copies of Comprehensive Index of Government Publications, 1881-1893, the preparation of which was authorized by joint resolution of March 3, 1897, and to deliver the same to the compiler for distribution.

TREATIES, LAWS, ETC., RELATING TO INDIAN AFFAIRS.

Mr. STEWART, from the Committee on Indian Affairs, reported the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring) That there be printed and bound 1,500 copies of Senate Document No. 452, Fifty-seventh Congress, first session, entitled "Treaties, Laws, Executive Orders, etc., Relating to Indian Affairs," 100 of which shall be for the use of the Senate, 400 for the House of Representatives, 100 for the Commissioner of Indian Affairs, and the remaining 900 shall be sold by the Superintendent of Documents.

BILLS INTRODUCED.

Mr. DEPEW introduced a bill (S. 7358) to permit the Spuyten Duyvil and Port Morris Railroad Company to build and maintain bridges across the Harlem River and Spuyten Duyvil Creek; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURNHAM introduced a bill (S. 7359) granting an increase of pension to Edwin H. Wheeler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FOSTER of Louisiana introduced a bill (S. 7360) for the relief of Plains Lodge, No. 135, Free and Accepted Masons, of East Baton Rouge, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 7361) authorizing the Purcell and Lexington Street Railway Company to construct and maintain a bridge over the South Canadian River at the city of Purcell, Chickasaw Nation, Ind. T.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TELLER introduced a bill (S. 7362) for the relief of Tillie P. Turner; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BURTON (for Mr. MITCHELL) submitted an amendment proposing to appropriate \$12.50 to pay the estate of Solomon Hirsch, deceased, late United States minister to Turkey, for contingent expenses, foreign missions; \$63.65 for salaries of diplomatic officers while receiving instructions and in transit, 1898; and \$7.04 for steam launch for legation at Constantinople, 1892; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$40,000 to continue the work of repairing and renewing revetments on the Kansas bank of the Missouri River near the city of St. Joseph, Mo., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PRITCHARD submitted an amendment proposing to pay

to Calvin J. Cowles, late assayer in charge of the United States assay office at Charlotte, N. C., the sum of \$1,500 per annum for services as such from July 1, 1875, to October 16, 1876, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate \$100,000 for the purchase of 25,000 acres of land near Fort Sam Houston, Tex., for use as a target range and for maneuvering of troops of all branches of the service of the Army of the United States, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to appropriate \$200,000 for enlarging, extending, and improving post-office, custom-house, and court-house building at Jacksonville, Fla., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. NELSON submitted an amendment relative to the rank, pay, and allowances of retired naval officers when ordered to active duty, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment relative to the number, rank, pay, and allowances of the officers of the Civil Engineer Corps of the Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. KITTREDGE submitted an amendment directing the payment to the Sioux Indians residing in Flandreau, S. Dak., the share of said Indians in the principal permanent fund appropriated and placed in the Treasury of the United States to the credit of the Sioux Nation of Indians, by the seventeenth section of the act of Congress approved March 2, 1889, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to increase the contract price for the 12-inch elevating carriage and its foundations now being built by A. H. Emery from \$150,000 to \$190,000, and appropriating \$40,000 therefor, intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HOAR submitted an amendment proposing to appropriate \$5,000 for the purchase and preservation of the battlefields of Balls Bluff and the soldiers' burial place there, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. PROCTOR subsequently, from the Committee on Military Affairs, reported favorably the foregoing amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. McCUMBER submitted an amendment proposing to appropriate \$10,000 for publishing and distributing a sufficient number of the Yearbooks of the Department of Agriculture to supply one copy to each and every actual student pursuing agricultural studies at the agricultural colleges of the several States and Territories or at colleges or universities having an agricultural department, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BATE submitted an amendment proposing to appropriate \$50,000 to enable the Secretary of War, through the commissioners of the Shiloh National Military Park, to construct a gravel road from that park to the city of Corinth, Miss., together with all necessary bridges, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut, submitted an amendment authorizing the Secretary of the Interior to appraise, at their actual value at the time of such appraisal, town lots held by the citizens of the United States within the limits of the tract of land ceded to the United States by the Choctaw and Chickasaw nations at or near Sulphur Springs, in the Chickasaw Nation, in the Indian Territory, etc., and also proposing to appropriate \$25,000 for fencing the Sulphur Springs Reservation and improving the same for the purposes contemplated in the establishment of such reservation, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment proposing to create the office of deputy commissioner of fisheries, at a salary of \$3,600 per annum, intended to be proposed by him to the sundry civil

appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the assistant in charge, division of statistics and methods of the fisheries, from \$2,500 to \$2,700, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the construction of buildings and the enlargement of such military posts as, in the judgment of the Secretary of War, may be necessary, and for the erection of barracks and quarters for the artillery, etc., from \$1,250,000 to \$1,370,000, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDINGS.

Mr. FOSTER of Washington submitted an amendment intended to be proposed by him to the bill (H. R. 17422) to increase the cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. BATE submitted an amendment intended to be proposed by him to the bill (H. R. 17422) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to cause the erection and completion of public buildings thereon, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. GALLINGER, it was

Ordered, That the papers accompanying Senate bill 5953, Fifty-sixth Congress, granting a pension to Mary E. Darcy, be withdrawn from the files of the Senate and returned to the proposed beneficiary, no adverse report having been made thereon.

REGULATION OF CORPORATIONS.

On motion of Mr. HOAR, it was

Ordered, That there be printed for the use of the Senate, to be delivered at the Senate document room, in addition to the usual number, 1,000 copies of the bill (H. R. 17) entitled "An act requiring corporations engaged in interstate commerce to make returns, prohibiting rebates and discriminations and the use of interstate commerce in attempts to destroy competition, and for other purposes," as reported to the Senate from the Committee on the Judiciary, including the amendments proposed by the committee.

STATEHOOD BILL.

Mr. QUAY. I present the following resolution. It will go over until to-morrow.

The resolution was read, as follows:

Whereas House bill 12543, to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, has been under discussion in the Senate since the 10th day of December last, and must fall unless voted upon at an early date:

Resolved, That it is the sense of the Senate that by unanimous consent a date and hour prior to the 2d of March next should be fixed for a final vote upon the bill and all amendments that are pending or may be offered thereto.

The PRESIDENT pro tempore. The resolution will go over under the rule.

Mr. QUAY. I now ask the unanimous consent of the Senate that a vote upon the omnibus statehood bill and the amendments hereafter to be offered or then pending be taken on Thursday, the 26th day of February, at 2 o'clock in the afternoon.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that on the 26th of February, at 2 o'clock in the afternoon, the final vote may be taken on the bill known as the omnibus statehood bill and all amendments then pending and amendments then offered, without further debate. Is there objection?

Mr. BEVERIDGE. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made.

ESTATES OF THE LATE SENATORS ABBOTT AND POOL.

Mr. PRITCHARD. I submit the following resolution for reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was read as follows:

Resolved by the Senate of the United States of America, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay Ellen C. Abbott, widow of Joseph C. Abbott, late a Senator from the State of North Carolina, the sum of \$6,543.38, due him as a Senator of the United States in the Fortieth Congress from the 4th of March, 1867, to the 24th of June, 1868; and to pay to John Pool, Mrs. Lela Pool Sessford, and to Mrs. Mary Pool Danforth, the heirs of the late John Pool, formerly a Senator from the State of North Carolina, the sum of \$6,543.38, due him as a Senator of the United States in the Fortieth Congress from the 4th of March, 1867, to the 24th of June, 1868, both sums to be paid from the miscellaneous items of the contingent fund of the Senate.

Mr. BURROWS. Is that an amendment proposed to some bill?

The PRESIDENT pro tempore. No; it is a resolution proposing to pay, the Chair judges from the casual reading, the salaries

of two former Senators between the beginning of the Congress and the time when they were seated.

Mr. BURROWS. I judge, from the reading of it, that it is some matter upon which the Committee on Privileges and Elections has just reported adversely. I think that ought to be stated in this connection.

The PRESIDENT pro tempore. The Senator from North Carolina, as it proposes to make a payment out of the contingent fund of the Senate, asks that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BURROWS. I have no objection to that reference.

Mr. HOAR. I should like to make an inquiry of the Chair.

It seems to me that in a matter which involves a general policy, which policy is always first considered by a certain committee and would involve the expenditure of money, the reference to that committee should be made first, before a reference to the Committee to Audit and Control the Contingent Expenses, because they are not expected to deal with questions of policy, but only with questions specially relating to the fund, making payments from it at the will of the Senate.

So, unless the rule requires otherwise, it seems to me the resolution ought to go first to the Committee on Privileges and Elections, and then if it be reported unfavorably the Senate will deal with the question, and if the Senate overrule the committee it will then go the Committee to Audit and Control the Contingent Expenses of the Senate.

I move that the resolution be referred to the Committee on Privileges and Elections.

The motion was agreed to.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The PRESIDENT pro tempore. The Chair asks the Secretary to read the following order.

The Secretary read from the Senate Journal, page 103, January 24, 1901, Fifty-sixth Congress, second session, as follows:

On motion by Mr. HOAR,

Ordered, That, unless otherwise directed, on the 22d day of February in each year, or if that shall be on Sunday, then on the day following, immediately after the reading of the Journal, Washington's Farewell Address shall be read to the Senate by a Senator to be designated for the purpose by the presiding officer, and that thereafter the Senate will proceed with its ordinary business.

The PRESIDENT pro tempore. The Presiding Officer designates as the reader of the address on Monday, the 23d instant, the Senator from Idaho [Mr. DUBOIS].

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 15985) to confirm certain forest lien selections made under the act approved June 4, 1897;

A bill (H. R. 16069) authorizing the Secretary of the Interior to sell certain lands therein mentioned; and

A bill (H. R. 16946) to amend an act entitled "An act to extend the coal-land laws to the District of Alaska," approved June 6, 1900.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 14384) to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, in the State of Ohio;

A bill (H. R. 16138) granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.; and

A bill (H. R. 17243) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

The bill (H. R. 17085) to effectuate the provisions of the additional act for the international convention for the protection of industrial property, was read twice by its title, and referred to the Committee on Patents.

ARKANSAS RIVER BRIDGE AT MOORS ROCK, ARKANSAS.

Mr. BERRY. A bill has come from the House of Representatives, which I think is on the table, for the construction of a bridge across the Arkansas River at or near Moors Rock, Arkansas, which I shall be glad to have the Chair lay before the Senate, if it be agreeable to the Chair to do so.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 17204) to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas; which was read twice by its title.

Mr. BERRY. Mr. President, there is a Senate bill reported from the Committee on Commerce precisely similar to the bill from the House of Representatives, which is numbered 2983 in the order of business on the Calendar. I ask that the House bill may

take the place on the Calendar of the Senate bill and that the Senate bill be indefinitely postponed.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made. Senate bill 7338 on the same subject will be indefinitely postponed, in the absence of objection.

STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. QUAY, as follows:

Whereas House bill 12543, to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, has been under discussion in the Senate since the 10th day of December last, and must fail unless voted upon at an early date:

Resolved, That it is the sense of the Senate that a date and hour prior to the 2d of March next should be fixed for a final vote upon the bill and all amendments that are pending or may be offered thereto.

Mr. QUAY. Mr. President, I do not desire to press the resolution to a final disposition to-day, but to say in explanation of its object that, as the Senate has noticed, from day to day, for a month and more, I have been asking for unanimous consent to fix a day and hour for the determination of this statehood proposition, and invariably I have been met with a single objection.

The resolution merely states that it is the sense of the Senate that before the adjournment of this Congress the statehood bill should be voted upon. It does not fix any day for a vote, but it expresses what is certainly the sense of every friend of the statehood bill, that there ought to be a vote. I think I do not err when I say that is the sense of every friend of the statehood bill. If I am in error, I should be glad to be corrected now.

Mr. JONES of Arkansas. I should like to ask the Senator a question, with his permission.

Mr. QUAY. Certainly.

Mr. JONES of Arkansas. If the proposition of the resolution is to fix a day for a vote it means a good deal to some of us on this floor as to how that day is to be fixed. I am willing to vote for a resolution that there shall be a day fixed by unanimous consent, but I am not willing to say that the majority shall have the right to fix a day for a vote without regard to the views of the minority.

Mr. QUAY. The only method of fixing a day for a vote is by unanimous consent.

Mr. JONES of Arkansas. That is the only proper way of fixing it.

Mr. QUAY. I have no objection to that. The proposition of the resolution is simply that there ought to be a vote, and it is offered because I have reason to believe that among the opponents of the statehood bill there are many gentlemen who are fair enough to be willing to yield us a day for a vote, and I shall be glad to give them an opportunity to put themselves on record. However, I understand that there is some sensitiveness on the other side of the Chamber in relation to the pressure of this resolution as being in a measure an advance toward cloture.

Mr. JONES of Arkansas. I have no objection to the resolution being presently voted upon with the understanding that it means what the Senator from Pennsylvania says it must mean. I do not want there to be any doubt about that.

Mr. SPOONER. But there is no unanimous agreement that it means that.

Mr. JONES of Arkansas. I want it to mean that when I vote for it.

Mr. QUAY. I do not wish the Senator from Wisconsin [Mr. SPOONER] to amend my resolution, but I have no objection to the amendment which the Senator from Arkansas [Mr. JONES] indicates. However, the resolution can go on the Calendar. I have to-day offered a similar resolution which will come up to-morrow, I presume, in its regular order.

The PRESIDENT pro tempore. The resolution goes to the Calendar.

Mr. QUAY. Having the floor, I move that the Senate proceed to the consideration of the statehood bill.

The PRESIDENT pro tempore. If the Senator will withhold that motion for a moment, there are two other resolutions to be laid before the Senate.

Mr. ALDRICH. Before the resolution of the Senator from Pennsylvania [Mr. QUAY] passes from the consideration of the Senate, I think that a motion ought to be entered, which I have no doubt the chairman of the Committee on Rules [Mr. SPOONER] intends to make.

Mr. SPOONER. I rose for that purpose. I move to refer the resolution to the Committee on Rules. Let that motion go over with the resolution.

Mr. QUAY. I would prefer to have a vote upon that question at once. We may as well take it now as at any other time.

Mr. GALLINGER and others. That is right.

Mr. QUAY. I ask for the yeas and nays upon the proposition of the Senator from Wisconsin [Mr. SPOONER].

Mr. ALDRICH. If the Senator from Pennsylvania has discovered a method by which he can get a vote without discussion upon this question, he will probably solve the whole problem.

Mr. QUAY. Mr. President, I do not pretend to have invented any plan of securing a vote upon this bill. I know as well as any other Senator upon this floor that any half dozen determined men can prevent the continuous consideration or, if not the consideration, a vote upon any proposition before this Senate prior to the 4th of March; but I think it is fair that the Senate itself should have an opportunity as a whole to say whether or not it believes that it is exactly fair dealing to do that. That is the intention of this resolution.

The PRESIDENT pro tempore. The resolution has gone to the Calendar. Is it desired to restore it to its position?

Mr. SPOONER. I withdraw my motion.

Mr. QUAY. I prefer to have a vote on the motion.

Mr. SPOONER. I do not need to ask unanimous consent of the Senator, I suppose, to say that I have withdrawn the motion.

Mr. BATE. With the confusion existing in the Chamber it is impossible to understand on this side what is the motion of the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. As I have withdrawn the motion, it is not very important what it may have been.

Mr. BATE. It is a part of the business of the Senate, and we ought to know what it is; but of course it will go into the RECORD.

INVESTIGATION OF AFFAIRS IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day; which will be read.

The Secretary read the resolution yesterday submitted by Mr. CARMACK, as follows:

Resolved, That the Committee on the Philippines be authorized and instructed to sit during the recess of Congress for the purpose of prosecuting the investigation heretofore authorized by resolution of the Senate.

Mr. LODGE. I move to refer the resolution to the Committee on the Philippines.

The PRESIDENT pro tempore. The Senator from Massachusetts moves the reference of the resolution to the Committee on the Philippines. The question is on that motion.

Mr. CARMACK. Mr. President, I believe I shall ask for the yeas and nays on that proposition.

The PRESIDENT pro tempore. The Senator from Tennessee asks for the yeas and nays.

Mr. HOAR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Massachusetts?

Mr. CARMACK. I do.

POST-OFFICE BUILDING AT MARBLEHEAD, MASS.

Mr. HOAR. I have requested the Senator from Tennessee to yield, in order to allow me to ask unanimous consent for the immediate consideration of a bill which has been reported from the Committee on Public Buildings and Grounds.

Mr. CARMACK. I yield with pleasure.

Mr. HOAR. It is essential that the bill should be passed at the earliest possible moment, in order to be provided for in the sundry civil appropriation bill; and as I shall be obliged to leave the Senate for a few days, I ask unanimous consent at this time for the consideration of the bill (S. 7051) to extend the limit of cost for the United States post-office building at Marblehead, Mass.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that so much of section 4 of the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, as fixes the limit of cost for the United States post-office building at Marblehead, Mass., at \$40,000, be amended so as to extend the limit of cost of the building to \$70,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABSENTEE WYANDOTTE INDIANS.

Mr. HARRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Kansas?

Mr. CARMACK. I do.

Mr. HARRIS. With the consent of the Senator from Tennessee, I should like to ask unanimous consent for the present consideration of the bill (S. 3214) to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes. The bill is recommended by the Committee on Indian Affairs, by the

Secretary of the Interior, and by the Commissioner of Indian Affairs. I think it will give rise to no debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That each living adult Absentee Wyandotte Indian whose name appears upon a census roll of Absentee Wyandotte Indians, to be approved by the Secretary of the Interior, may select in person or by his duly authorized attorney in fact, under such rules and regulations as the Secretary of the Interior may prescribe, from the public domain, 80 acres of agricultural land subject to homestead entry; and the heirs of any deceased Absentee Wyandotte Indian so enrolled and approved may in like manner select a like quantity of land in the name of their deceased ancestor, and the natural or legal guardian of any minor Absentee Wyandotte so enrolled may in like manner select 80 acres of agricultural land for his ward, and when lands shall have been so selected by any person entitled to make such selection, and such selection is approved by the Secretary of the Interior, he shall cause a patent to issue in the name of the enrolled Absentee Wyandotte by or for whom such selection has been made, which patent shall contain the condition that the lands covered thereby shall not be aliened within ten years after date of patent without the consent of the Secretary of the Interior: *Provided*, That as soon as any such selection has been made and approved, the pro rata share of the Indian by or for whom such selection was made in the funds provided in the acts of August 15, 1894, and March 2, 1895, shall thereby be relinquished to the United States and shall be covered into the Treasury as proceeds of the sales of public lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OREGON CITY, OREG.

Mr. QUAY. Now, Mr. President, if the morning business is concluded—

The PRESIDENT pro tempore. The morning business is not concluded. There is a resolution which has been laid before the Senate which the Senator from Massachusetts [Mr. LODGE] has moved to refer, on which motion the Senator from Tennessee [Mr. CARMACK] took the floor, and asked for the yeas and nays.

Mr. SIMON. With the consent of the Senator from Tennessee, I ask unanimous consent for the present consideration of the bill (S. 3635) to provide for the purchase of a site and the erection of a building thereon at Oregon City, in the State of Oregon.

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Oregon?

Mr. CARMACK. With pleasure.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds, with amendments.

The first amendment was, on page 1, line 7, after the word "apparatus," to strike out "elevators;" and in line 11, after the word "apparatus," to strike out "elevators;" so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office, land office, and other Government offices at Oregon City, in the State of Oregon, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of \$100,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 14 to line 21, inclusive, on page 3, as follows:

No money shall be used for the purpose mentioned until a valid title to the site of said building shall be vested in the United States, nor until the State of Oregon shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION OF AFFAIRS IN THE PHILIPPINES.

The PRESIDENT pro tempore. The resolution submitted yesterday by the Senator from Tennessee [Mr. CARMACK] providing for an investigation of affairs in the Philippines is now before the Senate, the pending question being on the motion of the Senator from Massachusetts [Mr. LODGE] to refer the resolution to the Committee on the Philippines.

Mr. CARMACK. Mr. President, I have no desire to debate the resolution, and if I could have any assurance, or if I had any reason to believe that the Committee on the Philippines would report this resolution back to the Senate in time to have any action upon it, I should have no objection to its going to that committee, but

I have every reason to believe that if the resolution goes there it will simply be smothered; it will never be reported back to the Senate, and we shall never have any action on it at all.

In view of the fact that the committee arbitrarily stopped the investigation ordered by the Senate at the last session of Congress, and have refused to go on with it at this session, I take it that the resolution ought to pass, advising and instructing the committee to proceed with the investigation during the recess of Congress. For that reason I should like to have a vote on the resolution, and I should like to have it now.

I repeat, I should not object to the resolution going to the committee if I could have any assurance or any promise from the chairman of the committee that the resolution would be reported back to the Senate within any reasonable time. In the absence of such an assurance I want a vote, and I ask for the yeas and nays on the motion of the Senator from Massachusetts to refer the resolution.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts [Mr. LODGE] to refer the resolution to the Committee on the Philippines, on which the yeas and nays have been demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from South Carolina [Mr. McLAURIN]. In his absence, I withhold my vote. If he were present, I should vote "yea."

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. In his absence, I withhold my vote. If he were present, I should vote "nay."

The roll call was concluded.

Mr. DOLLIVER. I am paired with the Senator from Mississippi [Mr. MONEY]; but I will take the liberty, if it is proper, to transfer the pair to the senior Senator from Connecticut [Mr. HAWLEY], and vote. I vote "yea."

Mr. DEPEW (after having voted in the affirmative). I inquire if the Senator from Louisiana [Mr. McENERY] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. DEPEW. Then I beg leave to withdraw my vote, as I have a general pair with that Senator.

Mr. NELSON (after having voted in the affirmative). I inquire if the junior Senator from Missouri [Mr. VEST] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. NELSON. In that case I withdraw my vote, as I have a general pair with that Senator.

Mr. TURNER (after having voted in the negative). I inquire if the Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. TURNER. I have a general pair with that Senator, and therefore withdraw my vote.

Mr. DANIEL (after having voted in the negative). I inquire whether the Senator from North Dakota [Mr. HANSBROUGH] is recorded as voting?

The PRESIDENT pro tempore. The Chair is informed that he is not recorded.

Mr. DANIEL. Then I withdraw my vote, Mr. President, as I have a general pair with that Senator.

Mr. McLAURIN of Mississippi. I desire to state that my colleague [Mr. MONEY] is unavoidably absent on account of sickness in his family.

Mr. DUBOIS (after having voted in the negative). I am informed that the Senator from Oregon [Mr. MITCHELL] has not voted. I have a general pair with that Senator, and as this seems to be a political question, I withdraw my vote.

The result was announced—yeas 37, nays 23; as follows:

YEAS—37.

Aldrich,	Dillingham,	Hanna,	Platt, N. Y.
Alger,	Dolliver,	Jones, Nev.	Proctor,
Allison,	Dryden,	Kean,	Quarles,
Bard,	Fairbanks,	Kittredge,	Quay,
Beveridge,	Foraker,	Lodge,	Simon,
Burnham,	Foster, Wash.	McComas,	Spooner,
Burrows,	Frye,	McCumber,	Wetmore.
Clapp,	Gallinger,	Millard,	
Deboe,	Gamble,	Perkins,	
Dietrich,	Hale,	Platt, Conn.	

NAYS—23.

Bacon,	Clay,	Hoar,	Pettus,
Bate,	Culberson,	Jones, Ark.	Rawlins,
Berry,	Foster, La.	McLaurin, Miss.	Simmons,
Blackburn,	Gibson,	Mallory,	Teller,
Carmack,	Harris,	Morgan,	Tillman.
Clark, Mont.	Heitfeld,	Patterson,	

NOT VOTING—28.

Bailey,	Dubois,	Martin,	Scott,
Burton,	Elkins,	Mason,	Stewart,
Clark, Wyo.	Hansbrough,	Mitchell,	Taliaferro,
Cockrell,	Hawley,	Money,	Turner,
Cullom,	Kearns,	Nelson,	Vest,
Daniel,	McENERY,	Penrose,	Warren,
Depew,	McLaurin, S. C.	Pritchard,	Wellington.

So the motion to refer the resolution of Mr. CARMACK to the Committee on the Philippines was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed, with amendments, the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896;

A bill (S. 7043) to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts; and

A joint resolution (S. R. 108) authorizing the Secretary of the Treasury to purchase additional ground for the post-office, courthouse, and custom-house at Jacksonville, Fla.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 16727) for the erection of a light-house in Boston Harbor; and

A bill (H. R. 17192) authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 9063) to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.; and

A bill (H. R. 12508) granting a pension to James Jones.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 16915) authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State; and it was thereupon signed by the President pro tempore.

ELMER E. FORESHAY.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. DUBOIS yesterday, and the Senate proceeded to its consideration, as follows:

Resolved by the Senate of the United States of America in Congress assembled, That the Civil Service Commission is hereby directed to furnish to the United States Senate a statement of the charges and evidence on account of which Elmer E. Foreshay was dismissed from the surveyor-general's office of Idaho. Also, whether under the ruling of the civil service he is eligible to any other position in the Government service.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the resolution?

Mr. PLATT of Connecticut. Mr. President, I do not know that there is any special objection to the passage of the resolution, except this: It seems to me that if we are going into the business of calling upon the Civil Service Commission to report the charges upon which persons are discharged from the classified service we will have a great deal of that kind of business. I do not know anything about the particular circumstances of this case, and I should like to have the Senator from Idaho show to the Senate that it differs from a great number of others and that there are special reasons why we should call for the charges and proceedings in this case.

Mr. DUBOIS. Mr. President, I am very glad to do so.

Mr. Foreshay was a member of a political party and his chief was a member of another political party, the chief being the surveyor-general of Idaho. The surveyor-general of Idaho thought he ought to surround himself with clerks who, in his opinion, could properly discharge the duties of his office, and he made several changes in his office. That brought on a conflict with the Civil Service Commission. Quite a fight was inaugurated, spreading over a considerable time, and resulting in an investigation. Now this clerk, Foreshay, who did not belong to the political party of the surveyor-general, was ordered by the surveyor-general to receive contributions for campaign purposes. For that he was dismissed.

In a letter and by telegram I called the attention of the Civil

Service Commission to the fact that this young man did not belong to the party for whose benefit it was alleged that he was receiving contributions, and that if he had acted in that capacity it was under duress, and that he ought not to be punished therefor. If he had not obeyed the orders of the surveyor-general he would most likely have been dismissed by him; and after acting as the recipient of contributions, under the orders of the surveyor-general, he was dismissed by the Civil Service Commission. All I could get from the Civil Service Commission was a reference to the statutes, which provide that if anyone contributes money for campaign purposes or receives contributions for that purpose he shall be dismissed. As I understand, no charges at all have been preferred against this young man, except that he received contributions. The surveyor-general happened to be the chairman of the State committee, I think, at the time.

Mr. HALE. Who dismissed this man?

Mr. DUBOIS. The Civil Service Commission.

Mr. HALE. By what warrant?

Mr. DUBOIS. Under a statute, which they cited, making it a cause for dismissal if a clerk or anyone in the civil service contributes to the campaign fund of any party or acts as the recipient of campaign funds, I think.

Mr. HALE. Undoubtedly we are all familiar with that statute; it is clear in its terms; but to me it is a surprise to hear the Senator from Idaho state that the Civil Service Commission has the power to execute that law by removing a man. Is the Senator certain that the Civil Service Commission, by specific act as a Commission, removed this young man?

Mr. DUBOIS. I am certain of this, I will say to the Senator from Maine. I telegraphed to the Civil Service Commission, protesting against the removal of this young man on the ground that he had received contributions for the campaign fund. I addressed my communication to the Civil Service Commission and received my answer from the Civil Service Commission stating the reasons why he was removed. I am safe in making the statement that the surveyor-general did not ask for his removal, because he was acting under the orders of the surveyor-general.

Mr. HALE. The surveyor-general not only did not ask for his removal—

Mr. DUBOIS. But he combated it.

Mr. HALE. But he did not remove him? This has developed what to me I say is a surprise, that the Civil Service Commission can remove a man. They can call attention to the fact of the law having been violated, but I think in this case, as the young man is undoubtedly out—there is no question about that?

Mr. DUBOIS. He is out.

Mr. HALE. I think it probable the Senator will find that he is out by the act perhaps of the Secretary of the Interior, who is at the head of the Department and who acted upon the certification to him from the Civil Service Commission that the law had been violated. But I have supposed, although I may be wrong about it, that enormous as are the powers of the Civil Service Commission, and aggrandizing as it does constantly and seeking new fields for investigation and for power, there was one point where they were obliged to call a halt, and that is in arbitrarily dismissing a man.

Mr. DUBOIS. I will not state that the Civil Service Commission removed this man, but I will state that I can not find out anything about it, and I say to the Senate that this young man does not belong to the party to which his chief belongs, and that he was discharged for the sole reason that he received contributions which were given to advance the principles of the party to which his chief belonged.

This is the only charge, so far as I have been able to ascertain, that lies against him anywhere. I thought it was an injustice that with no charges against the competency of the man, he should be discharged, and I asked the Civil Service Commission if he could be reinstated. I never saw the young man, I will say. It is no personal matter to me; but our folks there all thought it was unjust. I asked and recommended to the Civil Service Commission that he be reinstated in the service somewhere and received a very curt reply which conveyed to me no information at all.

Now, the surveyor-general was removed after an investigation extending over quite a long time, I think, and through the intense activity of the Civil Service Commission, and he was the best surveyor-general the State of Idaho ever had.

Mr. HALE. I suppose he was removed by the Secretary of the Interior, probably, was he not?

Mr. DUBOIS. But the Secretary of the Interior, I think, did not want to remove him. I am satisfied that the President of the United States and the Secretary of the Interior both regarded this man as one of the most competent surveyors-general in the service. But the Civil Service Commission were determined he should be removed, and in his removal, I suppose, in some way this young man was mixed up, and he also was removed, although he did not belong to the party that his chief did.

What I should like, as the Senator will see by reading my resolution, is to find out something about it.

Mr. HALE. I have no doubt the Senator is right—that these proceedings were all instigated and carried out by the Civil Service Commission. They got the impression that this man was not doing certain things which they thought ought to have been done or was doing things that they thought ought not to have been done, and they appealed to the higher officers of the Department, and the higher officers of the Department yielded to them. I have no doubt the Senator is right—that the moving power in this matter was the Civil Service Commission.

I do not suppose the act of dismissal was done by them. It was done by somebody who yielded to the importunities of this Commission, which are constant in every branch of the Government, interfering with men who are good officers, but who perhaps may technically be guilty of something of this kind. I think the Senator is right about that.

Mr. DUBOIS. Does it not appeal to the Senator from Maine at all when a Senator says to him that he directed all of his inquiries to the Civil Service Commission and received from the Civil Service Commission all of his replies stating why this man was removed, not referring me to the Secretary of the Interior or anybody else, but answering my inquiries directly, leading me, of course, to suppose that they were the ones who did it, and at any rate—

Mr. SPOONER. The Senator must know that they have no power to do it.

Mr. HALE. They have the moral power to enforce removal—

Mr. SPOONER. They have the power to investigate.

Mr. HALE. And this is an instance of it.

Mr. SPOONER. Certainly. They undoubtedly called upon the Secretary of the Interior to remove this man and preferred the charges against him.

Mr. HALE. And he yielded.

Mr. SPOONER. And he yielded. I suppose if it appeared clearly to the Secretary of the Interior that the man had violated the law, as it is admitted by the Senator from Idaho that he had, he had to yield.

Mr. TILLMAN. Mr. President—

Mr. DUBOIS. Excuse me for just a moment.

Mr. SPOONER. I suppose it is true that if this young man violated the law by command of his superior, the Secretary of the Interior would likely have to remove him for the violation of the law. It certainly can not be true, as the Senator from Maine says, that the Civil Service Commission can remove an employee of the Government unless it be one of their own.

Mr. DUBOIS. I would take the position, if any other Senator had brought up this question, that it is unjust when an employee is directed by a superior officer to do something, and he does it under the direction of the superior officer, to remove him from his position and from any opportunity to be reinstated.

Mr. HALE. I do not wonder that the Senator is somewhat stirred up by this matter, and it looks to me as if the young man had improperly suffered, that his offense was technical, that he was acting under the advice or direction of his superior. I do not want to object to the resolution. I think it would be a good thing to have the facts brought out.

Mr. DUBOIS. I may be mistaken, there may be other facts of which I am not aware, but I can not find what they are.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the resolution?

Mr. SPOONER. Mr. President, one moment. My objection to the resolution does not go at all to the facts upon which this young man was removed. I think every day men are removed, and there is a standing order that no man shall be removed from the classified service except upon charges which shall be exhibited to him and an opportunity to defend against which shall be accorded to him. But I believe that if we pass this resolution and turn the Senate directly or indirectly into a court of appeal in these cases it will prove to be a source of infinite trouble to every member of this body. Suppose every man who is removed from an office or a position, and who thinks, as they all think, that he was unjustly removed, should apply to his Senator and insist upon it that the Senate should pass a resolution calling for the evidence, bringing the matter here to be discussed in the Senate, with a view to some sort of constraint upon the Civil Service Commission.

I think it is a matter that belongs entirely to the executive department. If any breach of the law is being perpetrated by the Civil Service Commission or by any executive officer of the Government it is proper enough for the Senate to inquire into it with a view to affording a legislative remedy. It is not proposed, I suppose, by the Senator from Idaho through this resolution to invoke any subsequent action of the Senate. It is simply an investigation to determine whether or not this young man has been

treated unjustly by the executive department of the Government in administering a law of Congress. Now, where will it end?

Mr. DUBOIS. I will say to the Senator from Wisconsin that if the report which they make is convincing to the Senators that this young man has been unjustly removed, without sufficient cause, perhaps we might enact such legislation as would prevent the recurrence of similar cases in the future.

Mr. SPOONER. Upon the Senator's statement I doubt whether the young man was unjustly removed. The Senator says he is a young man of capacity. I supposed he knew that as an employee of the Government in that position he was by law prohibited from accepting or soliciting contributions for political purposes.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. In a moment. Of course, if he did it by direction of his superior officer, that should perhaps be considered in mitigation, but he had no right to take a command of his superior officer, as his superior officer had no right to give it, to disobey a law. The result in this case, as stated by the Senator, is that both the officer who gave the command to violate the law and the employee who violated it were removed.

Mr. DUBOIS. I will say to the Senator from Wisconsin that the surveyor-general was removed because he had removed subordinates without the consent of the Civil Service Commission, in violation of civil-service rules. That is what he was removed for, and he had exercised that power and was exercising that power when he asked this young man to receive contributions. I think it is pretty hard to say a young man should refuse to obey the orders of his superior because there is a law saying that he shall not contribute or receive contributions, when at the same time the superior was removing men from his office—

Mr. SPOONER. But the surveyor-general ought to have been removed for asking the subordinate to do an unlawful thing. If he wanted to collect money for political purposes he ought to have done it himself and taken the responsibility himself. Instead of that he asked the subordinate who held a position to violate the law. He ought to have been removed for that. At all events he was removed. But my objection to the resolution is that it is the beginning of procedure in the Senate which I think will lead us to an immense deal of trouble.

Mr. HALE. It opens the door.

Mr. SPOONER. It opens the door.

Mr. TILLMAN. I should like to ask the Senator from Wisconsin whether or not this young man was not between the devil and the deep sea? With a superior who was removing subordinates arbitrarily, contrary to the civil-service rules, and the civil service not protecting them, and his receiving an order to collect contributions, would he not have been removed immediately by this same arbitrary man if he had refused to obey?

Mr. SPOONER. I think he may have thought he was between the devil and the deep sea, but I do not think he was.

Mr. TILLMAN. It seems they both got into the sea somehow or other.

Mr. SPOONER. What is that?

Mr. TILLMAN. It seems they both got into the sea somehow or other—the one because he ordered the doing of an unlawful thing and the other for doing an unlawful thing.

Mr. SPOONER. I think if this young man, knowing that he was asked by his superior officer to receive subscriptions and collections for political purposes in violation of the law, had brought that fact to the attention of the Secretary of the Interior and the Civil Service Commission, instead of obeying the order, he would not have been between the devil and the deep sea.

Mr. TILLMAN. You think he would have been protected?

Mr. SPOONER. I think he would have been protected.

Mr. DUBOIS. The Senator from Wisconsin is speaking theoretically. As a matter of fact, the gentlemen who were removed arbitrarily by the surveyor-general have not been able to get back, and are still out. It is very easy to theorize, but it seems we are entitled to know.

I do not want to distress the Civil Service Commission, nor do I care to distress the gentlemen who are touchy about the Civil Service Commission, and if the Senator from Wisconsin will suggest that the inquiry be directed to anybody else who can furnish the information which I desire, I shall be perfectly willing to accept the suggestion. But I think I am entitled to the information.

Mr. HOAR. May I ask the Senator from Idaho whether he himself has applied for the facts which he asks the Senate to seek by this resolution and whether they are kept from his knowledge by the Civil Service Commission? I mean as to this particular case. The Senator seems to have knowledge of what the facts are. Is there any refusal on the part of the Commission to let him know what their records disclose, if he desires it?

Mr. DUBOIS. I have not begged and implored the Civil Service Commission to give me any details.

Mr. HOAR. I did not ask the Senator—

Mr. DUBOIS. I have addressed one or two communications to them, and the replies indicated to me that they did not care to give me very much information. In addition to that, I will say to the Senator from Massachusetts, the Secretary of the Interior sent one gentleman there to make an investigation and the Civil Service Commission sent another gentleman, and they were on the ground at the same time. The representative of the Secretary of the Interior held his meetings openly, and the surveyor-general and the clerks came before him, and they had their inquiry and hearing. The representative of the Civil Service Commission held his secret, and nobody knew what was going on. Both of those reports were presented, and the Civil Service Commission in regard to this particular case has not been extremely anxious, to say the least, to let the facts be known.

Mr. HOAR. Mr. President, I hold that the lawmakers of the country are entitled to access to all the records of the Executive Departments, to inform themselves in regard to their legislative duties in regard to subjects about which they are to legislate, with certain necessary exceptions, such as matters relating to diplomacy still in process of accomplishment or perhaps matters relating to diplomacy which the public faith and propriety require should be received in confidence and kept in confidence, and except matters relating to military and naval operations in war, and certain other matters relating to the administration of justice when cases are still pending. We ought not to invade those subjects and make public what the Departments think should be kept private. But with those exceptions I think we are entitled to absolutely free access. Those records are kept largely and chiefly that the lawmakers and the people dealing with the administration of the Government may know what happens.

So when any Senator is denied by a Department access to such information, except in the matters I have stated, as he wants to qualify himself for his duties, I should make it a rule always to vote for the inquiry, and the Senate has always made it a rule to adopt such resolutions when any Senator proposes them, except in one or two cases when there has been some high party excitement. In two cases recently the Senate has referred certain resolutions to committees. So I should vote for the Senator's resolution if it should appear that he had made suitable attempts—I do not speak of begging or imploring, of course, but if he has addressed a civil note to the Department and does not get the information he wants. But otherwise, it seems to me, we ought not to take up every little individual matter and make it a subject of action by the Senate.

Mr. DUBOIS. Mr. President, in my resolution I have not asked the Senate to go into this case at all. I do not understand what the Senator from Massachusetts means by "taking up every little matter," or what he means by wanting to know whether a Senator has tried to get information. I do not know where he draws the line. This thing seemed so unjust to me that while I was 2,000 miles away I telegraphed to the Civil Service Commission at length, saying that, in my judgment, it was unjust to remove a man who was acting under duress; that it did not seem possible to me that this young gentleman could have willingly contributed to the success of a party to which he did not belong, and that if he received contributions or if he gave contributions it must have been under duress; and I asked them not to act hastily in regard to it. I wrote to them afterwards, I think, twice, and the replies which I got were scant courtesy, in my judgment.

As I said before, I do not know this young gentleman at all. I have no interest in him personally. To my knowledge I never saw him. I have not been importuned by his friends. Several months ago when it came up it made a great impression on my mind, and I wanted to know if he could not be reinstated in the service, because it came to me from sources undeniable that he was very competent and that this was the only complaint against him. I should like to know whether there is anything else upon which they have based his removal, and if there is nothing else, I think Congress ought to rectify it so that similar occurrences will not happen in the future.

Mr. PLATT of Connecticut. Mr. President, it does not seem to me that this is a matter which we can rectify. We can not order this young man to be restored. I am not going to object to the passage of the resolution after what has been said about it, but I desire now, before it passes, to say that I hope it will not be made a precedent for supposing, whenever a clerk or anybody in the classified service has been dismissed, that the Senate is going to take up the matter. If the Senator had said here that he had applied to the Civil Service Commission for a copy of the charges and evidence, and they would not give it to him, I should have no hesitation whatever in supporting the resolution for the purpose of enabling him to obtain that information.

I do not think the resolution really calls for any action on the

part of the Senate. As was well observed by the Senator from Wisconsin [Mr. SPOONER], it is manifest that we can not undertake to put ourselves in the position of a court of appeals to try over the question whether anyone in the classified service has been properly or improperly dismissed. But since so much discussion has been had in the matter, I am not inclined to insist seriously on the resolution being rejected.

Mr. BACON. Mr. President, there is one view of this matter which seems to me to present a more important question than that which is limited strictly to the interest of this young man. If it be a fact that this violation of law was perpetrated by this young man under the orders of his superior officer, and if the response to this resolution, if it shall be adopted, shall convey to us information that that fact was known to the Civil Service Commission, and that the Civil Service Commission limited its condemnation to the young man and took no step against the superior officer, then it is a matter, Mr. President, which rises to the dignity of a subject entitled to very careful and very prompt consideration by Congress.

Now, I do not know whether those are the facts or not. I knew nothing of this resolution and have gathered no information except such as has been given by the debate. But from the utterances here to-day it seems to be the conceded fact that this young man violated the law in obedience to the order of his superior officer. It seems to be also the conceded fact that the Civil Service Commission has visited its condemnation upon the young man, and that it has failed to do what the Senator from Wisconsin says, and very properly says, it should have done—to extend it, and in much more peremptory and severe terms, to the officer at whose instance and under whose command this violation of the law was perpetrated.

Mr. PLATT of Connecticut. I understood that the surveyor-general was removed also.

Mr. BACON. But the distinct statement is made here that he was removed for another cause.

Now, Mr. President, it is not simply a matter limited to that particular surveyor-general, but if it be a fact that superior officers in the departments, either in many or few instances, are guilty of this violation of law, not simply violating it themselves, but commanding and enforcing a violation of it by their subordinates, it is a most important matter to be brought to the attention of the Senate.

Mr. DUBOIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. With pleasure.

Mr. DUBOIS. My colleague calls my attention to a fact which I had forgotten. The surveyor-general was not removed at all; he simply was not reappointed. The facts came up over his reappointment. He served out his term.

Mr. BACON. I think it is important, as this matter has been brought to the public attention, that the Civil Service Commission should be given an opportunity to make known, if such be a fact, that it condemned the principal as well as the subordinate, and that it condemned him in severer terms than it did the subordinate.

I think it is important that this matter should be brought to public attention, in order that the facts may be ascertained. Is this an isolated instance or is it a common occurrence? Has there simply been a violation in this particular instance, or is it an every-day occurrence or an every-year occurrence in the campaign that the superior officers, those who are put there to see that the law is observed by their inferiors, are themselves commanding the violation of law on the part of their inferiors?

Mr. CARMACK rose.

Mr. BACON. If the Senator will pardon me just a moment, I do not mean to say that such is a fact, but I do say that when it has been brought to the attention of the Senate and seems to be a conceded fact that this violation of law was done in response to the demand of a superior officer, it ought to put Congress upon inquiry whether or not that is an isolated occurrence or whether it is a common one in the departments.

I yield to the Senator with pleasure.

Mr. CARMACK. I simply suggest to the Senator what seems to me an equally important fact in this matter, under the direction of the civil service, was the fact that those men who were discharged, as I understood the Senator from Idaho, for refusing to make a contribution, have not been reinstated. It is just as important to protect the men who obey the law and who refuse to violate the law as it is to punish the men who do violate the law.

Mr. BACON. That is true.

Mr. DUBOIS rose.

Mr. BACON. If the Senator will pardon me a moment, I did not hear the entire debate as it has progressed, and I did not un-

derstand that these young men were discharged by this officer for that particular reason.

Mr. DUBOIS. No, Mr. President. I want to be absolutely correct.

Mr. BACON. And I do.

Mr. DUBOIS. The Senator from Tennessee is correct in principle; but the surveyor-general removed civil-service clerks from his office because he wanted clerks in there in whom he had confidence, not because they would not contribute to the campaign. Some of those clerks who were removed in violation of the civil-service law have not been able to get back, and they are not back now; but they were not removed because they would not contribute. They were removed for the convenience of the surveyor-general.

Mr. BACON. I quite agree with the suggestion of the Senator from Wisconsin [Mr. SPOONER] that it is not within the proper province of Congress to inquire as to the circumstances under which every employee is removed, and that it would be entering upon an interminable enterprise if we should undertake a thing of that kind.

Therefore I desire to be understood distinctly as not advocating the adoption of the pending resolution with reference specially to the merits or demerits of this young man, but because of the grave development which confronts us if the fact is, as I understand it to be, that an inferior, an employee, has been required to violate the law by a superior officer, and the further fact that it was brought to the attention of the Civil Service Commission, and that by reason of it the Commission proceeded against this young man, and that so far as information is given to us no steps were taken against his superior. That is a grave question, and if it be true it suggests the necessity for inquiry as to whether this is an isolated instance or whether there have been frequent occurrences of that kind, which is a still graver question. It is upon that line that I ventured to say a word in reference to the matter.

Mr. SPOONER. Mr. President, I have listened to the Senator from Georgia, and if there were foundation for what the Senator says, as there may be, although we are not informed of it, there would be great force in his statement. But the argument which the Senator from Georgia makes certainly would not be persuasive at all to secure a vote for the pending resolution.

We have a Civil Service Committee, and if the Senate is satisfied or is informed that superior officers are going unwhipped of justice while their subordinates are being punished for violating law under their command, our committee ought to be instructed to investigate the Civil Service Commission in that respect.

But this resolution calls for no such thing. This resolution calls for no report as to any charges made against the surveyor-general. An answer to it would elicit none of the information which the Senator from Georgia assumes to be now before the Senate.

Mr. BACON rose.

Mr. SPOONER. I speak of the removal of the surveyor.

Mr. BACON. Will the Senator pardon me a moment in order that he may understand my position?

Mr. SPOONER. I understand it. I agree with it.

Mr. BACON. But in reference to the statement just made by the Senator. I suppose, of course, that there is upon record in the office of the Civil Service Commission the evidence relative to this matter. I suppose the entire evidence is there. I do not suppose that it is limited merely to a statement of fact that he did violate the law. Particularly if the young man was on trial, I suppose he stated the circumstances under which he did it and the command under which he did it. If so, that is information I want to get.

Mr. SPOONER. It would not at all elicit information from the Civil Service Commission as to the action which it took concerning the surveyor-general.

Mr. BACON. No; but the evidence taken.

Mr. SPOONER. That is what the Senator wants.

Mr. BACON. I understand that, and I wanted to say to the Senator that if the natural condition of the record is that which I suppose the Senator himself would consider the scope the testimony naturally covered, it would contain the very evidence we want.

In other words, here is a young man on trial. I presume that he was given a hearing, or at least if not, there was evidence taken. I suppose the fact is on record in the Civil Service Commission not only that he violated the law, but the circumstances under which he violated it, and the circumstances under which he received a command which caused him to violate it, evidence as to the fact that his superior officer required him to do it. If that exists, it is a fact that we want to know.

Mr. SPOONER. But the action which the Civil Service Commission took or did not take against the surveyor-general would

be an entirely different thing. It would not elicit, and is not intended to elicit, any information from the Civil Service Commission as to whether it removed or caused the removal of the subordinate and took no action against the principal offender.

Resolved, etc., That the Civil Service Commission is hereby directed to furnish to the United States Senate a statement of the charges and evidence on account of which Elmer E. Foreshay was dismissed from the surveyor-general's office of Idaho.

Mr. BACON. Will the Senator pardon me?

Mr. SPOONER. The resolution should be broadened, I think, to accomplish what the Senator from Georgia has in mind.

Mr. BACON. I would have no objection to its being broadened. On the contrary, I would like very much for it to be broadened. But I suggest, if the Senator will permit me, that if the Civil Service Commission should send us here a record of the evidence which it received, and that evidence disclosed the fact that it had been brought to the attention of the Civil Service Commission that this young man had violated the law, and that he had done so in obedience to the command of his superior officer, and the record showed simply a proceeding against the inferior and did not disclose anything against the superior, it would, in common parlance, certainly be up to the Commission to show why it had not so done.

Mr. SPOONER. The record would not show anything on the subject. It would simply show the charges and evidence on which this young man was removed. It does not call upon the Civil Service Commission to return to the Senate any record as to proceedings against the surveyor-general.

The Senator referred to me as being "touchy" about the Civil Service Commission. He is mistaken about that. I have not opposed this resolution out of any concern for the Civil Service Commission. I opposed it on our own account. I opposed it, Mr. President, because I know, and so does every other Senator here know, that if we once begin the practice of introducing resolutions and calling for the charges and the evidence in the case of every young man in this country who is discharged from office, we will inaugurate a line of business which will keep us busy. A man from my State comes to me, and they often come, and says he has been unjustly removed—and almost every one thinks he is unjustly removed. I go to the Civil Service Commission and look into it. But he says: "I want you to go into the Senate and introduce a resolution. The Senate did it in the Foreshay case; why not in mine?" We will have petitions in all such cases not only from the men themselves, but from their friends and neighbors, and they will add to burdens that are now almost intolerable.

Now, the Civil Service Commission sometimes in discharging their duties are somewhat annoying to Senators and, I suppose, to Members of the House, but they are discharging their duties under the law generally and, I think, faithfully. My experience here as a Senator for nearly twelve years, and most of the time under an Administration with which I have been in sympathy, has led me to believe that the civil service, whatever it may be in other relations, is of vast importance to the country in the protection which it affords to gentlemen engaged in public life from constant and persistent pressure for little offices and from constant invocation for personal services and political influence in these matters of appointment and promotions and removals. And I want to say now that whatever men may think of the civil service law it is my conviction that if it were repealed and if we should go back to the old method we would tear away a dam which protects men in public life here measurably and would leave ourselves in a position where life here would be almost intolerable. I see nothing myself to criticize in the general conduct of the Civil Service Commission, and I believe the public interest requires us to stand by the civil-service law.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to place before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. DUBOIS. I ask unanimous consent that the regular order may be laid aside temporarily, without prejudice. It will take only a minute, I think, to dispose of the pending resolution.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside for the purpose of considering the resolution now pending before the Senate. Is there objection?

Mr. QUAY. I will not object, with the understanding that the time taken up is to be brief.

Mr. PLATT of Connecticut. There has been so much said in regard to the Civil Service Commission that I would not like to take a vote upon the resolution at this time without having an

opportunity to add some remarks of mine with reference to the suggestions which have been made.

Mr. HALE. Let the resolution go over, holding its place. There are other Senators who desire to be heard.

The PRESIDING OFFICER. Is there objection to the resolution going over without prejudice?

Mr. QUAY. I think I will object to its holding its place. I desire to say that the resolution had better come in to-morrow behind the resolution now pending proposing to take the sense of the Senate on the statehood bill.

Mr. PLATT of Connecticut. It will.

Mr. QUAY. If it comes in behind that resolution I have no objection.

Mr. JONES of Arkansas. It will come in behind that resolution.

Mr. DUBOIS. That is agreeable to me.

The PRESIDING OFFICER. Is there objection to the resolution going over until to-morrow—

Mr. QUAY. I want to have no mistake about it. The resolution which was before the Senate to-day has gone to the Calendar. I introduced another resolution of the same kind which will come up in its regular order to-morrow.

The PRESIDING OFFICER. Is there objection to the resolution of the Senator from Idaho retaining its place upon the Calendar, second to the resolution which has been offered by the Senator from Pennsylvania?

Mr. QUAY. I have no objection to it in that shape.

Mr. BEVERIDGE. Does the resolution go to the Calendar?

Mr. HALE. It is not on the Calendar.

Mr. QUAY. It is on the table.

Mr. BEVERIDGE. Then it has not gone to the Calendar.

Mr. DUBOIS. Let it lie on the table to be taken up after the consideration of the resolution introduced by the Senator from Pennsylvania.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

TENNESSEE RIVER BRIDGE.

Mr. QUAY. Now I call for the regular order.

The PRESIDING OFFICER. The Senator from New York [Mr. DEPEW] is entitled to the floor.

Mr. DEPEW. The Senator from Alabama [Mr. PETTUS] wishes the floor for a moment.

Mr. PETTUS. Mr. President, House bill 17052 is the same as Senate bill 7158, which has been reported from the Committee on Commerce. It is a bridge bill. I move to substitute the House bill for the Senate bill on the Calendar and to indefinitely postpone the Senate bill.

The PRESIDING OFFICER. The Senator from Alabama asks that a House bill be substituted for a Senate bill on the Calendar. The title of the House bill will be read.

The SECRETARY. A bill (H. R. 17052) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Gunter'sville, in Marshall County, Ala.

The PRESIDING OFFICER. Does the Senator from Alabama desire to have the bill considered at this time?

Mr. PETTUS. I do desire it, if the Senator from New York will indulge me.

Mr. DEPEW. Very well.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. QUAY. I will object to the further consideration of the bill at the present time. I did not understand when the Senator from Alabama took the floor that he proposed to pass a bill. I thought he merely wished to substitute one bill for another on the Calendar.

Mr. PETTUS. That was my intention. The Senator from Pennsylvania is correct as to what I intended to do and what I announced I intended to do. It was suggested to me whether I desired to pass the bill, and I said yes; but that was not my intention when I took the floor.

Mr. QUAY. I object for the present.

The PRESIDING OFFICER. If there be no objection, the bill (S. 7158) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Gunter'sville, in Marshall County, Ala., will be indefinitely postponed and House bill 17052 will take its place on the Calendar. The Chair hears no objection, and such is the order of the Senate. The Senator from Pennsylvania objects to the further consideration of the House bill.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma,

Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. DEPEW addressed the Senate in continuation of the speech begun by him on the 11th instant. After having spoken about one hour.

Mr. PROCTOR. Will the Senator from New York kindly yield that I may present a conference report? It is on the Army bill. I will not ask it unless it is entirely agreeable to the Senator.

Mr. DEPEW. Certainly.

ARMY APPROPRIATION BILL.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27, 28, 33, 43, 44, 45, and 46.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 24, 25, 26, 29, 31, 32, 34, 35, 36, 37, 39, 40, 42, 47, 48, 49, 50, 51, 52, and 53; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In line 3 of said amendment strike out the word "appointed" and insert in lieu thereof the word "enlisted;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows:

In lines 6 and 7 of said amendment strike out the following: "As military attachés at the United States embassies and legations abroad; and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with amendments, as follows:

After the word "war," in line 5 of said amendment, insert the following: "for more than one year;" and beginning with the word "and," in line 11 of said amendment, strike out down to and including the word "honor" in line 19; and after the word "officer," in line 20 of said amendment, insert the following: "whose service on the active list does not exceed twenty years, and shall not apply to any officer," and strike out the proviso at the end of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: After the word "deposit," in line 2 of said amendment, strike out the words "money upon the same terms as enlisted men" and insert in lieu thereof the following: "of their pay;" and at the end of said amendment insert the following proviso: "Provided further, That said deposits of any one officer shall never exceed in the aggregate \$5,000 at any one time;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: At the end of said amendment insert the following proviso: "Provided, That all volunteer officers now in the Porto Rico Provisional Regiment shall be mustered out on June 30, 1904, and their places be filled by detail from the line of the Army: Provided further, That any vacancy now existing or which may occur between now and June 30, 1904, shall be filled by detail from the line of the Army;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Strike out lines 1 to 11, inclusive, of said amendment, and at the end of said amendment insert the following: "Provided further, That not more than \$40,000 of the above appropriation shall be expended at any one post or station;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out the word inserted by said amendment and insert in lieu thereof the word "fifteen;" and after the word "million," in line 20, page 29 of the bill, insert the words "five hundred thousand;" and the Senate agree to the same.

REDFIELD PROCTOR,
J. V. QUARLES,
F. M. COCKRELL,
Managers on the part of the Senate.
J. A. T. HULL,
A. B. CAPRON,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. MCCOMAS. I should like to ask the Senator in charge of the bill what has been done with the provision pertaining to the Porto Rican regiment. I thought from the reading of the report it may have been abandoned by the conferees.

Mr. PROCTOR. It has not been abandoned. The force is retained and the appropriation made. A provision was inserted by the Senate that Porto Ricans might be enlisted in the Regular Army. A further provision or compromise in the conference report provides that the volunteer officers shall be mustered out on the 30th of June, 1904. That gives them the full three years of service other volunteers have, and more; and it provides that vacancies now existing or hereafter occurring shall be filled by detail from officers of the Regular Army.

Mr. MCCOMAS. No provision is made for the officers acting in Porto Rico to continue in the regular service?

Mr. PROCTOR. There is not. It was thought by the committee that they had quite as good an opportunity as other volunteer officers, and it appeared that most of them were not qualified to go into the Regular Army. Several of them had failed on the examination, and quite a number of them are far beyond the limit

of age. They all have the opportunity civilians have, of an examination.

Mr. MCCOMAS. I should like to ask the Senator also what has been done with the retirement clause?

Mr. PROCTOR. The original clause reported by the committee has been retained and enlarged a little in the direction of the amendment offered by the Senator from Colorado [Mr. TELLER], which was agreed to in the Senate. The limit of service required was twenty years instead of twenty-five. It is practically the provision in regard to the Navy, which has been the law for several years.

Mr. MCCOMAS. How does it affect officers on the retired list?

Mr. PROCTOR. Officers retired since the 11th of August, 1898, who served during the two wars, are entitled to the full benefit of it, and officers who have served twenty years.

Mr. MCCOMAS. How as to those already retired?

Mr. PROCTOR. My impression is that it does not apply to officers retired previous to the 11th of August, 1898.

Mr. MCCOMAS. I should like to hear read once more from the desk the amendment in respect to retirement.

Mr. PROCTOR. It was the last matter agreed upon by the conference, and I did not take a note of it.

The PRESIDENT pro tempore. Which amendment does the Senator from Maryland desire to have read?

Mr. MCCOMAS. The amendment relating to the retirement of officers.

Mr. PROCTOR. Amendment No. 20.

The PRESIDENT pro tempore. It will be read.

The Secretary read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with amendments, as follows:

After the word "war," in line 5 of said amendment, insert the following: "for more than one year;" and beginning with the word "and," in line 11 of said amendment, strike out down to and including the word "honor" in line 19, and after the word "officer," in line 20 of said amendment, insert the following: "whose service on the active list does not exceed twenty years, and shall not apply to any officer;" and strike out the proviso at the end of said amendment.

Mr. FORAKER. Can the section be read as it will read after these amendments are adopted?

Mr. COCKRELL. I think I can read it just the way it will stand when the report is adopted.

And any officer of the Army now on the active list, below the grade of major-general, who served with credit as an officer or an enlisted man in the regular or volunteer service during the civil war for more than one year before April 15, 1865, may, when retired, be retired by the President, by and with the advice and consent of the Senate, with the rank and retired pay of the next higher grade. This section shall apply to officers who have been retired on or since the 11th day of August, 1898, but shall not apply to any officer whose service on the active list does not exceed twenty years, and shall not apply to any officer who has been placed on the retired list by virtue of any special act of Congress, nor to any officer who has already received an advance of grade at the time of retirement, or with a view to retirement.

Mr. DOLLIVER. I should like to inquire of the Senator in charge of the bill what is the purpose in excluding from the benefits of this retirement act officers who have been retired by act of Congress?

Mr. PROCTOR. The purpose is that it was a special favor, and they received their reward by the act of Congress.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

PUBLIC BUILDING AT JACKSONVILLE, FLA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 108) authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla., which was, in line 3, to strike out the words "at this session of Congress."

Mr. TALIAFERRO. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

LIGHT-HOUSE DEPOT, BOSTON HARBOR.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7043) to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts.

The amendment was, in line 4, to strike out all after "to" down to and including line 8, and to insert:

locate and establish a light-house depot for the Second light-house district in Boston Harbor, Massachusetts, on land owned by the United States, at a cost not to exceed \$25,000.

Mr. LODGE. I move that the Senate concur in the House amendment.

The motion was agreed to.

SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, which were ordered to lie on the table.

Mr. FORAKER subsequently said: I ask that Senate bill 3560 be printed as it passed the House, with the House amendments.

The PRESIDING OFFICER (Mr. KEAN in the chair). In the absence of objection, it will be so ordered.

HOUSE BILLS REFERRED.

The bill (H. R. 16727) for the erection of a light-house in Boston Harbor was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 17192) authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land was read twice by its title, and referred to the Committee on Public Lands.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. DEPEW resumed his speech. After having spoken for thirty-five minutes.

Mr. ALLISON and Mr. TILLMAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. ALLISON] is recognized.

Mr. ALLISON. I was about to ask the Senator from New York to yield to me in order that I may make a motion to adjourn. I yield, however, to the Senator from South Carolina before making the motion.

Mr. TILLMAN. Mr. President, I desire to inquire if the Senator from New York has concluded his speech?

Mr. DEPEW. I have not concluded, but I yield to the Senator from South Carolina for to-morrow.

Mr. TILLMAN. I am very much obliged, and I shall take the floor when the Senate convenes and this bill comes up again.

[Mr. DEPEW's speech will be published entire after it shall have been concluded.]

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 18, 1903, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 17, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

CORRECTIONS.

The SPEAKER. In the absence of objection, the Journal will be approved.

Mr. SIMS. I rose for the purpose of making a statement in reference to the Journal, before it was approved.

The SPEAKER. A correction of the Journal has priority over a correction of the RECORD.

Mr. SIMS. I do not see the gentleman from Massachusetts [Mr. CONRY] present, but I think he understood—I so understood at the time—that unanimous consent was given to him to withdraw his remarks. It appears, however, in the Journal that they were expunged on motion of the gentleman from Indiana [Mr. STEELE].

The SPEAKER. The business as it came up yesterday was the continuation of the consideration of the request of the gentleman from Indiana made some days before. So that the Journal, in stating that the action was taken on the request of the gentleman from Indiana, states the facts as they were.

Mr. COOPER of Texas. Mr. Speaker, I rise to correct the RECORD. The correction I desire to make is upon page 2273. It there appears that I moved to suspend the rules and pass House bill 17243. The RECORD shows, after stating the title or caption of

the bill, that the bill provided that all after the enacting clause should be stricken out and certain language inserted. It reads:

Strike out all after the enacting clause and insert the following:

The facts are that House bill 16339 had been introduced by me and referred to the Committee on Rivers and Harbors. The committee reported House bill 17243, intending it to be a substitute for the bill introduced by me. The report of the committee so styles it "a substitute therefor." There was no striking out of all after the enacting clause, but the committee bill, 17243, was passed. I desire the RECORD to show that this bill introduced by the gentleman from Ohio [Mr. BURTON] was the bill that passed.

The statement of the RECORD is in intention correct, but literally is not correct. The House bill 17243 is a substitute for House bill 16339, as stated in the report of the chairman of the committee. But the bill which was passed was House bill 17243. My statement does not change the condition of affairs in any respect, but the RECORD, as it now appears, would show that the river and harbor bill was repealed, which, of course, is not a fact.

The SPEAKER. The Chair will ask the gentleman from Texas whether he has not got just what he wanted.

Mr. COOPER of Texas. I have got exactly what I wanted in fact; but the RECORD discloses that the bill which was passed repeals the river and harbor bill. Now, I do not know what it will show when it goes over to the Senate, but so far as the RECORD shows it discloses the fact that the river and harbor bill had been repealed by the bill that was passed.

The SPEAKER. Was this repeal, as the gentleman states, by virtue of the recommendations of the report of the committee, or any action taken on the floor of the House?

Mr. COOPER of Texas. The report of the committee is to the effect that they offer another bill as a substitute for the bill that I introduced, and the committee bill was the bill that passed.

The SPEAKER. Will the gentleman send up the report?

Mr. BURTON. If I may be allowed, the report is perfectly clear and the bill is perfectly clear. The bill recommends the adoption of a substitute. The substitute is in this language:

A bill to amend an act making appropriations for the construction, repair, and preservation of certain public works—

and so forth, referring to the river and harbor bill of June, 1902. Then it goes on to state:

Be it enacted, etc., That the paragraph in said act relating to the improvement of the mouths of the Sabine and Natchez rivers, Texas, be amended so as to read as follows.

And, apparently in an entirely gratuitous manner, there is inserted in the RECORD the words:

Strike out all after the enacting clause and insert the following:

There was no recommendation of that kind in the report, and nothing that will justify the striking out of all after the enacting clause of the river and harbor bill. It must mean to strike out all after the enacting clause of the amending bill. The report recommends the adoption of the substitute, and the substitute clearly points out what is intended.

The SPEAKER. The language of the report is—

They accordingly recommend the accompanying substitute, and when the bill is amended by the adoption of said substitute they recommend that the bill do pass.

That is exactly what was done.

Mr. BURTON. The committee refers to the amending bill, and not the original bill.

Mr. COOPER of Texas. Mr. Speaker, if the RECORD should disclose that all after the enacting clause of bill 16339 was stricken out and that House bill 17243 was inserted in lieu thereof, then the RECORD would be correct, and that was what was done.

The SPEAKER. The Chair suggests that in this case, as it seems to be somewhat complicated, the bill had better be held up, and then it can be put in some proper shape. The Chair will order the message to the Senate transmitting the bill to be held up.

Mr. COOPER of Texas. Mr. Speaker, it is immaterial to me what the RECORD discloses. It is a fact that that bill passed, and it was in order to keep the RECORD in proper shape, as suggested by the War Department, after having examined it, that I make this motion to correct the RECORD.

The SPEAKER. But the gentleman states from his place that the action taken, while it gives him what he wants, repeals the river and harbor bill.

Mr. COOPER of Texas. No, the RECORD undertakes to show that the river and harbor bill was repealed, but I am objecting to having it show a repeal of the river and harbor act. I want the RECORD to show what occurred, and it is not at my own instance that I make the suggestion now.

Mr. PAYNE. Mr. Speaker, I suggest that this matter stand over until to-morrow morning, and that in the meantime all action be stayed, and the matter referred to the Committee on Rules for a report to-morrow morning.